REMARKS

The Examiner has rejected Claims 1-3, 6, 20, and 22 under 35 USC 102 as anticipated by Haynes et al. Haynes et al. show a pet house with a bed device and a tent type upper enclosure device. The upper enclosure is formed of a material with sleeves extending diagonally from opposite corners through which normally straight flexible frame members extend and are bent into a hemispherical shape and held in such hemispherical shape by attachment to hooks at the corners of the bed device. The bed device includes a base frame 18, an upper frame 112 from which the fabric bed 40 is suspended, and right and left inclined support members 32 and 34, respectively, which springingly connect the base frame 18 and upper frame 112.

Claim 1 is amended to specify that applicant's upper frame is substantially rigid and the cover fits removable over the upper frame. This is not shown or suggested by Haynes et al. As indicated, Haynes et al. show normally straight flexible frame members that extend through sleeves formed in material forming the upper enclosure and which are bent into a hemispherical shape and held in such hemispherical shape by attachment to hooks at the corners of the bed device. Thus, there is no substantially rigid upper frame, and there is no cover fit removably over the frame. The flexible frame members of Haynes et al. are placed through sleeves in the material forming the cover so the cover is not removable from the frame members once the upper frame is formed. Further, the upper frame is formed by bending the flexible frame members so that they take on a hemispherical shape. This shape is maintained by attaching the ends of the bent frame members to the corners of the bed device with hooks that hold the frame members in bent condition thereby maintaining the frame members in a hemispherical shape. The upper frame is not substantially rigid as in applicant's pet house and the cover is not removable from the frame. When disassembled so that the frame members straighten out and no longer form the upper frame and the cover becomes a flat piece of material, the frame members can be

removed from the material. However, this is not a cover removably placed over the upper frame as required by applicant's amended Claim 1.

As stated in Column 1, lines 41-45 of Haynes et al., it is an object of Haynes et al.'s invention to "provide a tent-like structure supported by frame members that conform to a hemispherical shape by attachment at both ends of each frame member and need not be formed." Thus, an object of the Haynes et al. invention is that the frame members need not be formed into the shape required for the upper frame, i.e., the frame members are not substantially rigid and a substantially rigid frame is not formed, but rather, the frame is formed by bending flexible frame members and attaching the ends of the frame members to hold them in bent condition. Thus, Haynes et al. do not suggest a rigid upper frame because a rigid upper frame would not meet the stated objective of the invention.

With respect to Claims 6 and 20, the Examiner states that the Haynes et al. pet house is supported on legs 32, 34, and 18. However, base frame 18 is a rectangular frame, not legs, and members 32 and 34 are inclined support members that provide a spring connection between base frame member 18 and upper frame 112. None of these are legs.

The Examiner has rejected Claims 4, 5, 13, 23, and 24 under 35 USC 103 as obvious from Haynes et al. The Examiner states that it would be obvious to substitute a mesh material for the pet supporting floor rather than the cotton duck fabric disclosed by Haynes et al. because it would be a selection of a known material on the basis of its suitability for the intended use. However, Haynes et al. had the same use and selected the cotton duck fabric material, indicating that it suitable for such use with no suggestion that a mesh material would be suitable or also suitable. Thus, applicant submits that the substitution of a mesh material to replace the cotton duck material was not merely an obvious selection of materials. With respect to Claims 13 and 24, the Examiner says that while Haynes et al. use hook members 72 to receive extension tabs 62 of fabric cover 36 to hold the bent flexible frame members in bent condition, the use of VELCRO would be obvious as a simpler and less complicated system.

However, the is nothing to indicate that a VELCRO connection would be sufficient to securely hold the bent frame members, which are under tension in being bent, in their bent condition. Applicant is not holding bent frame members against the tension forces. In addition, Claims 13 and 24 recite that fastener portions are secured to the fabric forming the pet supporting floor which mate with fastener portions attached to the fabric cover. Haynes et al.'s hooks are attached to the frame, not to the fabric pet supporting floor. There is nothing in Haynes et al. to suggest that a connection to the pet supporting floor rather that a rigid frame would hold the flexible frame members in tension.

The Examiner has rejected Claims 7-12, 14, 15, 18, 19, 21, 25, and 26 under 35 USC 103 as obvious from Haynes et al. in view of Ventura. With regard to Claims 7-12 and 18-19, the Examiner says that it would have been obvious "to modify Haynes' frame structure with Ventura's in order to allow the user to completely deconstruct the frame accomodating a smaller travel or storage space." However, one of the objects of Haynes et al. is "to provide a stable bed that is cushioned on springs without complex mechanisms." In Column 6, line 44 to Column 7, line 9, Haynes et al. explain that "the two halves of frame support device are left intact since the section of the upper frame and the section of the base frame are still structually connected by right inclined support member 32 and left inclined support member 34." Haynes et al. explain that these members are welded and that with "this frame structure, panel 40 suspended across upper frame 12 . . . [and] all of upper frame 112, provides a spring support." Thus, it would defeat one of the objects of the Haynes et al. invention to "modify Haynes' frame structure with Ventura's" and such substitution is taught away from in Haynes et al. and would not be obvious to one skilled in the art.

With regard to Claims 14, 15, 25, and 26, the Examiner says that it would be obvious to modify Haynes' housing by adding a ventilation window. The Examiner had earlier said that Ventura discloses a housing in the same field of invention. However, it is submitted that Ventura's cot for a human to lie on

is not the same field as a pet house. Further, the side flap and mosquito netting form an entrance into the enclosed area, not just a ventilation window.

With regard to Claim 21, the Examiner says that since Ventura shows a staking system with tie lines 30 coupled to various holes 48, 16 (48 and 16 are not disclosed as holes for a tie line) on the device, it would be obvious to "modify Haynes' device by adding a staking hole in order to provide stability to the housing." However, the provision of a tie line to extend from the structure to a stake is different from applicant's provision of feet on the bottom of legs with a hole to accept a stake directly through the hole. No tie line is used and the tie line as shown in Ventura is completely eliminated. This elimination of the tie line is not shown or suggested by the teaching and showing of a tie line in Ventura. Applicant's provision of a "tab extending from at least one leg with a hole therein through which a stake can be positioned" is not suggested by Ventura's tie lines, or by passing tie lines through holes in Ventura's device.

Respectfully,

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January 13, 2005
Salt Lake City, Utah
gen:p\410 Aviva\First Amendment